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The Lingshi and the Cao in the Qin Period

Fuminori TSUCHIGUCHI

This paper focuses on the functions of the cao (曹) in the Qin period and its development, mainly drawing on the Liye Qin slips (里耶秦簡) excavated in 2002.

The duties of the cao were discharged by the prefecture clerk (令史, or lingshi). The lingshi is a secretary of the prefect (令, or ling) or the deputy prefect (丞, or cheng), and composed the core of the prefectural government, which was called the prefectural court (縣廷, or xianting). Under the xianting's order, administrative affairs are carried out by the prefectural bureaus (官, or guan), and not by the cao.

As an administrative organ, the cao does not seem to have existed in the Qin period. The cao has never appeared in Qin legal codes, and there are no entries in the list of local officials for members of the cao. However, a similar list at the end of the Han period clearly lists members of the cao.

In the Qin period, the cao appeared only in very limited contexts. When officials sent documents, the addressee was clearly marked by the phrase "this must be opened by a certain cao." In another case, compiled documents, such as account books or administrative reports, were occasionally titled "a certain cao's book/report." The cao thus appeared only in such contexts as a label for documents or as a title for compiled documents. It was simply a unit for handling documents.

After the middle of Han period, the function of the cao began to change, and it began to function as an administrative organ. This remarkable change was connected with the emergence of the yuan (掾) and shi (史), categories of officials unique to the cao. At the same time, the cao encroached upon the administrative functions of the guan, thus acquiring substance as an administrative organ.

Diplomatic Documents of the Yuan 元 Dynasty and Goryeo 高麗 sent to Japan after 1281, the Second Military Expedition to Japan

Tadashi UEMATSU

First the author discuss three imperial missions to Japan including Buddhist monks of Pu-tuo-shan 普陀山 island, such as Ru-zhi 如智 with Wang Jun-zhi 王君治 1283, Wang Ji-weng 王積翁 with Ru-zhi 1284, and Yi-shan-yi-ning 一山一寧 1299. Through the ill success of the second military expedition, Qubilai changed the form of the diplomatic note to send to Japan. We cannot find any menacing reference to possibility of the military aggression against Japan. He expected the civilized background of Buddhism, dispatched a superior monk as a envoy, and tried to persuade Japanese government to dispatch the envoy to the Yuan dynasty. Hereafter the imperial diplomatic note became a kind of a letter of credence.

Secondly the author discuss the note from the king of Goryeo. The aim of the note was that Japanese king would dispatch the envoy to the Yuan dynasty. The note has been quoted in *The History of Goryeo* 高麗史 and two manuscripts preserved in Kanesawa-bunko 金澤文庫 or Shōmyōji 稱名寺 temple in Japan. Although both texts should be exactly same, there are considerable differences of the words. Examining two texts, the author found the intentional avoidance about the expression suggesting the downfall of Japan. Besides, there are some places renewed by the expression to promote amity with Goryeo specifically in the text of Kanesawa-bunko. I consider that Gim Yuseong 金有成, the envoy from Goryeo, had tampered with the words of the note in order to break the confronting difficult situation.

A Critical Inquiry into the Life of Captain Wang Zhi 王直, Part 2:

Hu Zongxian's 胡宗憲 plan to Pacify Japan

Takeshi YAMAZAKI

This essay traces the life of Captain Wang Zhi 王直, who is generally known as the chief of *Wokou* 倭寇, the “Japanese Invaders” in the sixteenth century. It clarifies the circumstances that led to his execution.

Picking up where Part One of this essay left off, Part Two begins with Wang Zhi's flight from the Chinese coastal islands to Japan in 1553 to his escape from persecution by Ming official naval forces. It ends with Wang Zhi's arrest by Hu Zongxian 胡宗憲, the governor-general of Nanjing and Zhejiang, who executed Wang in 1560.

Although most Ming authorities suspected Wang Zhi responsible for piracy attacks, in fact his role in the organization of the piratical bands and their devastation of the Chinese territory remains unclear. He claimed to be innocent and demanded the abolition of the official prohibition on private foreign trade as the reward for his contribution in several military actions.

During the pacification of piratical raids, Hu Zongxian exploited Wang Zhi's connection with a Japanese warlord Ootomo Yoshishige 大友義鎮, and gained the close cooperation by bands of armed smugglers, including Japanese warriors under Wang Zhi's authority. However, after restoring government control to region between Nanjing and Hangzhou, Hu Zongxian was confronted with criticism by censorial officials, who inveighed against his personal relationship with Wang Zhi. In the end, Hu abandoned his efforts to win amnesty for Wang Zhi.

These events reveal a common dynamic in Ming politics, where the line between the government and private actors, even criminal elements, frequently blurred. In fact, they depended on each other in the actual operation of local administration, especially in military affairs. In this structure of society, governors had to be able to exploit the personnel resources from outlaws, even though it might result in fatal consequences if exposed to the public, as seen in the life of Wang Zhi and Hu Zongxian as well.

The System of Treble Retrials of Condemned Criminals in Joseon Korea

Takeshi YAGI

In Joseon Korea, only the king could pass a sentence of death and give the order for the execution of condemned criminals ; because of this, he would take great care in such legal proceedings. In particular, he would order the Board of Punishments to examine a case and the State Council to re-examine it before he approved a sentence of death. Moreover, he would order treble retrials before he approved the execution of condemned criminals. These proceedings were taken from the system described in the Confucian classics.

The second of the treble retrials was just a screening, so substantial deliberation only occurred in the first and third retrials. Besides, it was not uncommon that the proceedings of treble retrials were completely skipped over.

First, these proceedings were not followed in wartime cases. Second, trials for felons were conducted by the officials of the “three departments,” who acted on behalf of the king himself. Therefore, the king received full information from the “three departments,” so there was no need for him to re-examine a case. Finally, condemned criminals, for whose crimes immediate execution was prescribed in the penal code, were immediately executed in the late Joseon period, even though the procedure of the treble retrials was originally required by the law.

The sovereignty of the king, however, was restricted in the case of “border crossings.” Condemned criminals who had committed a crime in China and had been arrested in Korea were executed only after the emperor of the Qing dynasty approved their execution. Therefore, Joseon Korea could be called a dependent of China in terms of legal proceedings.

Competing Voices in the Shangshu :
An Analysis of “Gao Yao mo” and “Yao dian”

Kai VOGELSANG

While a long commentarial tradition has aimed to stress the coherence of classical and canonical Chinese literature, the “composite nature” of early Chinese texts has by now become widely acknowledged. This means that structural analyses rather than unifying commentaries of these texts would seem to be called for. This article examines the textual integrity of two *Shangshu* chapters, “Yao dian” and “Gao Yao mo.” Based on an analysis of linguistic usage, it argues that both chapters consist of at least two conflicting parts that appear to be in outright opposition to one another. Simply put, one part seems to represent the perspective of bureaucratic government, while the other one Yao represents charismatic rulership. While these two chapters show very similar patterns of layering, the same cannot be said for other parts of the *Shangshu*. An analysis of “Lü xing” shows that, while also containing competing voices, its ideological and linguistic fault lines are different from those in “Yao dian” and “Gao Yao mo.” The structure of the *Shangshu* is not easily reduced to a few editors who added recurring layers throughout the entire collection. Rather, it appears that the “composite nature” differs for almost every chapter of the *Shangshu* : they will all have to be analyzed individually.

A Corrective Reading of Qin Statutes in Longgang Qin Strips

CHEN Wei

As a principle investigator of a project, “General Organizing and Study of Qin Bamboo and Wooden Manuscripts”, the author had an involvement in re-examination on Longgang Qin strips. Hereby I introduce several new knowledge I've got, hope to receive some criticism. The strips taken up here for discussion are as follow ;

- (1) 詐僞假人符傳及襲人符傳者，皆與闌入門同罪。4/36/36/255
- (2) 門關合符及以傳書闕入之，及諸佩〈佩〉入司馬門久□ 5/6/6/186
- (3) 吏具伍，亟入。事已出，68/29/29/144 【吏】復閱具徒。徒有 181/233A/230A/殘 5B 少不出者，以盜入禁 20/56/56/15 苑律論之。伍人弗言，□與同 【罪】。□ 21/57/57/172
- (4) 禁苑嗇夫、吏數循行，垣有壞陝（決）獸道出，及見獸出在外，亟告縣。39/31/31/253
- (5) 諸馬牛到所，毋敢穿穿及置它機。敢穿穿及置它『機』能害 103/85A/83A/212 人馬牛者，104/100/83B/殘 8 ②雖未有 105/227/83C/12 殺傷毆（也），貲二甲。殺傷馬 106/60/84/203 『牛』…… 【馬】牛。殺 110/98/99/65 人，黥爲城 108/58/58/14 ②旦春。傷人，贖耐。109/59A/59A/205A
- (6) 南郡用節（卽）不給時，令□ 214/3/3/148

An Introduction to the Study of the Administrative Geography of Tukhāristān

Ryoichi MIYAMOTO

The appearance of the Bactrian documents and their decipherment by N. Sims-Williams has brought to light a wealth of new information about the history, geography, and society of Tukhāristān. This new information will allow us to investigate a subject that has not previously been studied. In this article, I attempt a new study of the administrative geography of Tukhāristān, focusing on the structure of its administrative divisions.

In the first section, I verify the geographical range designated by the regional name Tukhāristān in several sources, as well as the topographical features of the areas where the Bactrian documents were written — Rōb, Gūzgān, and Kadagstān.

In the second chapter, I investigate the administrative divisions of Tukhāristān by analysing Bactrian contracts. The date and place for the conclusion of such contracts appear at the beginning of the documents. Examining all of the places where these contracts were concluded, we find that there were four administrative divisions: *ḥapo*/*ḥapuro* 'city', *ωδαγο* 'district', *λιζο* 'fortress', and *ανδαγο* 'borough'. The sizes of a 'city' and a 'district' were the same. As Sims-Williams has already mentioned, however, the appellations were used at different times, that is, 'city' became 'district' in the 7th century. Considering the topographical features of some 'cities' and 'districts', we can infer that these two types of administrative divisions did not cover a vast area. Furthermore, a 'city' or a 'district' could include a 'fortress' or some 'boroughs'. We can view the 'fortress' as equivalent to the 'quhandiz' in an oasis town and estimate its size based on that of the site of Surkh Kotal, where a well-known Bactrian inscription (SK4) was found in which the site is referred to as the 'fortress'. Concerning the 'borough', we only know that there were three 'boroughs' in the 'city' of Rōb. It is noteworthy that we can observe the differences between the structure of the administrative divisions of Gūzgān and those of Rōb and Kadagstān.

In the final section, I examine the relationship between the governing structure

introduced by a political power ruling Tukhāristān and the local structure of the administrative divisions. This study focuses on the periods under the Tang dynasty and the Abbasid Caliphate. Based on Chinese sources and the newly discovered Arabic documents, I suggest the possibility that these two political powers used the local administrative divisions when they introduced their governing structures to the region.

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The History of Chanaka Dheri in the Gandhara Region

Satoshi NAIKI

Chanaka Dheri is a site located in the Gandhara region (present Peshawar basin in Pakistan) excavated by Kyoto University from 1959 to 1967. Before these excavations, the site had long been regarded as the Buddhist site, “the temple of the white elephant” referred to by Song Yun, an envoy sent by the Northern Wei Dynasty in China. However, neither stupas nor Buddhist sculptures were found in these excavations. Then, what is this site? By examining preliminary reports and by analyzing artefacts like pieces of pottery found in these excavations, plenty of information can be obtained regarding the history of the Gandhara region. In ancient times, there was a great building, which probably was a detached palace for rulers, and a large water tank, both of which were constructed with massive stones. These buildings were constructed before the latter half of the 1st century CE. Then, around 200 CE, when a huge earthquake occurred, they were completely destroyed and the mound abandoned. After the abandonment of the buildings, less powerful people started to live on the mound. This mound was used for residences even after the 9th century CE. By paying attention to the influence of the huge earthquake that occurred in 200 CE, it becomes possible to find an explanation for the changes that came about the material cultures in this region.